

TO NAME MARTINE FOR SENATE TO-DAY

Smith Withdraws from Race
When Opponent Receives
Forty Votes.

VICTORY FOR GOV. WILSON

Expected "Farmer Orator" Will
Be Chosen on First Joint
Ballot—Minority Stands
by Stokes.

HOW THE LEGISLATURE VOTED YESTERDAY.

	Senate	Assembly	Total
Martine	31	40	
Smith	0	10	10
Hamill	0	1	1
Stokes	0	13	22
Griego	0	5	5
Fort	1	0	1
Keen	1	0	1

[By Telegraph to The Tribune.]
Trenton, N. J., Jan. 26.—James E. Martine, of Plainfield, for the last twenty-five years the unsuccessful Democratic candidate for governor nearly every election within the gift of the people of New Jersey, will be chosen by the Legislature here to-morrow as the successor of John Keen in the United States Senate. Mr. Martine's selection was assured late this afternoon, when former Senator James Smith, Jr., withdrew from the contest.

Mr. Martine will not, it is expected, be the unanimous choice of the Democratic Legislature, for Assemblyman McGowan and three of his Essex colleagues have announced their determination to vote for James Nugent, chairman of the Democratic State Committee and the manager of the disastrous Smith campaign.

Mr. Smith did not withdraw from the contest, however, until the result of the vote of each of the two branches of the Legislature had been told to him. Mr. Martine had received forty votes in the two houses—one less than the number necessary to select him. Assemblyman Mackay, of Essex, who had placed the ex-Senator in nomination, was one of his first supporters, and when he informed Smith that he had carried out his obligation and proposed to cast his vote for Mr. Martine at to-morrow's joint session, the former Senator, realizing the futility of further contest, decided to withdraw.

Gives Way to "Wilson's Candidate."

Before closing his headquarters at the Trenton House the former Senator gave out a brief statement, in which he said that he had decided to give up the contest in

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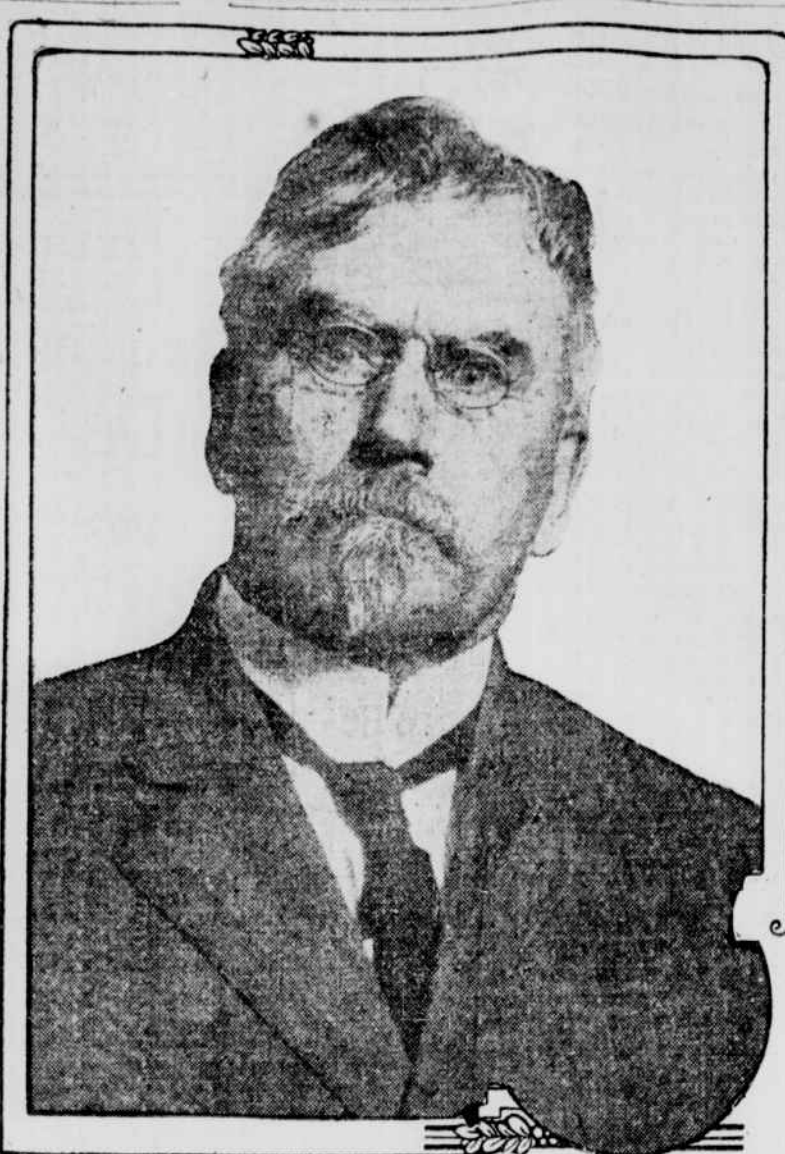
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JAMES E. MARTINE.

Who will be elected United States Senator to-day by the New Jersey Legislature.

view of the preponderance of feeling among the Democratic legislators for "Governor Wilson's candidate." The former Senator said:

"In view of preponderance of legislative favor for Governor Wilson's candidate for the United States Senate I feel that I should no longer stay the consummation of the executive's purpose. In reaching this conclusion I am influenced by my regard for the feelings of loyal men who still give me support and my unwillingness to stand longer in the way of the plans which the new friends of my old party are so industriously formulating. I have been a long time in the ranks of Democracy. It has always had my loyalty and best wishes. It will continue to have them.

"I would like to believe that under the guidance of recently assumed ambitious leadership the old party may not depart from its former standards, nor repel the allegiance of the faithful ones who have shown the same loyalty in adversity and success. As I lay aside my candidacy for senatorial honor, releasing those who have been faithful to me and pledging them my lifelong gratitude, my sincere wish is that the Democratic party may retain the confidence of the people, that it may hold to its close union with the masses and that greater triumphs in the state and nation await it."

Result Pleases Wilson.

Governor Wilson's comment on the turn of affairs was as follows:

"What I have to say is very obvious. I can sincerely say that the outcome is what I expected. I had not the slightest doubt that the Democratic members of the Legislature would act in a spirit of responsibility to their constituents. I think the gratification of the people of the state in the result will be chiefly based upon the knowledge that henceforth the selection of United States Senators will be on an entirely different basis. The people will know that henceforth they will make free choice of Senators on their own responsibility.

"This is in line with the manifest movement of public opinion all over the country. 'What has just been done is most convincing evidence of the sincerity of the Democratic party in New Jersey in respect to the principles of their party. Mr. Martine is to be congratulated on the privilege of representing this principle in the Senate, and I am sure the best wishes of the people of the state will follow him to Washington.

"The Democratic members of the Legislature are also to be congratulated upon having the opportunity to inaugurate this great and salutary change, and there is every evidence that they have done it with heartiness and satisfaction."

Two branches of the Legislature voted separately to-day on the senatorship, and when the total vote of both the Senate and Assembly was put together it was found that Mr. Martine had 40 votes, Smith 10 and Congressman Hamill 1. On the Republican side Mr. Stokes got 22 votes, ex-Attorney General Griego 5 votes, Senator Keen 1 and ex-Governor Fort 1.

This was a gain for Mr. Martine of seven over the conference vote of the night before. The conference vote, Matthews, Boracem and Ramsey, who had voted for Smith at the conference, changed to Martine. Mr. Ford, who voted for Congressman Hughes, and Assemblyman Taylor and Meyer, who wanted Frank Katzenbach, did the same thing, and Mr. Cole of Warren, who had voted last night, went to the "farmer orator."

MINORITY NAMES STOKES

New Jersey Republicans Stand by the Primary Choice.

[By Telegraph to The Tribune.]
Trenton, N. J., Jan. 26.—James E. Martine, of Plainfield, for the last twenty-five years the unsuccessful Democratic candidate for governor nearly every election within the gift of the people of New Jersey, will be chosen by the Legislature here to-morrow as the successor of John Keen in the United States Senate. Mr. Martine's selection was assured late this afternoon, when former Senator James Smith, Jr., withdrew from the contest.

MARTINE PLEASED BY RESULT

Candidate Gives Out Appreciative Statement from Sickroom.

[By Telegraph to The Tribune.]
Plainfield, N. J., Jan. 26.—James E. Martine, who is still confined to his room with the grip, gave out a short statement to-day showing that he was elated with the progress of his candidacy at Trenton. Many persons called at the Martine home during the day, but they did not reach Mr. Martine's room, which was safely guarded by his wife. The "Farmer Orator" gave out this statement:

"The result is most gratifying. There has never been any doubt in my mind. The principle for which the people are fighting is one vital to self-government. The splendid body of representatives of the people fighting for the people against the combined forces of greed and special interests deserve the praise of all."

STATES FAVOR INCOME TAX.

Charlotte, N. C., Jan. 26.—In the state Senate to-day the bill to ratify the income tax amendment to the Constitution of the United States was passed by a vote of 12 to 1.

Little Rock, Ark., Jan. 26.—The Arkansas House of Representatives went on record to-day in favor of the income tax amendment to the Federal Constitution by a vote of 80 to 3. Under the amendment, it is said, Arkansas would have to pay only \$1 to over a million dollars paid by New York.

MURPHY READY TO ACT?

Continued from first page.

bies is deeply interested in that point, for the Governor isn't given to discussing small matters at his home at that hour of the night. He said to-day that Mr. Sheehan called to tell him there would be a delegation of labor union men from Buffalo to wait on him to-day with a set of resolutions favoring Sheehan for Senator. Political circles seethed for a while with a rumor that the Governor had tried to get Sheehan to withdraw, but that Sheehan again had refused to do so.

Governor Dix said to-day, in answer to questions, that so far no efforts had been made to get him to act as mediator in the senatorship contest.

Just now, however, there is no immediate prospect of a break in the deadlock short of Sheehan's withdrawal or Murphy's abandonment of him.

Insurgents Stand Tight.

The insurgents of Senator Roosevelt's devoted band meet twice a day, swap yarns and take account of stock. Senator Roosevelt said to-night that they were satisfied at the way things were going, if everybody else was.

The men who are anti-Sheehan and anti-caucus are deriving considerable comfort in this situation because of the result in New Jersey and the assured election of Martine there.

"Martine went before the people in the primaries and was the choice of the Democratic voters so far as they expressed any choice," said Colonel William Gorham Rice to-night. "That was the strength of his position. It is the strength of the position of the men here who stayed out of the caucus that they are acting according to the wishes of their constituents. They will not surrender; they have no need to. Evidence has come from all parts of the state that the caucus which made Mr. Sheehan its choice did not have the approval of the voters of the party. These so-called bolters have withstood pressure absolutely inconceivable. Things almost beyond imagination have been put up to them. The offer of \$140,000 apiece would not exert the pressure on them exerted by some of the things tried out. But they have stood fast."

Governor Dix's brother-in-law, Curtis N. Douglas, of Albany, a former State Senator and Democratic candidate for Congress last fall, entered the United States senatorship lists to-day with three votes.

There were seven absentees to-day. The total vote cast was 194 and the number necessary for an election 98. William F. Sheehan polled 85 votes, his only losses being temporary ones, due to absences.

The sixth ballot resulted as follows:

DEMOCRATS.
William F. Sheehan, 85 John A. Dix, 2
Edward M. Shepard, 11 Morgan J. Ryan, 2
James W. Gerard, 2 D. Cady Herick, 1
Curtis N. Douglas, 3 Martin H. Glenn, 1
Martin W. Littleton, 3 Alton B. Parker, 1
John D. Kernan, 1

REPUBLICANS.
Chauncey M. Depew, 104
Total vote cast, 194; necessary to a choice, 98.

MACK OUT FOR SHEEHAN

Democratic National Chairman Says Party Is Bound by Caucus.

Buffalo, Jan. 26.—Norman E. Mack, chairman of the Democratic National Committee, to-night issued a statement in which he takes the stand that William F. Sheehan, being the nominee of a regularly conducted Democratic caucus, is entitled to the support of every Democrat in the state. The statement says in part:

"The people expect us to elect a Democratic successor to Chauncey M. Depew as a Senator from this state. The Democratic legislators proceeded in the orderly way to make the selection. In all legislatures and in Congress party candidates are named and party policies determined in caucus. That is the only orderly way available under our form of government to determine the will of the party majority in such matters.

"The Democratic legislators at Albany met in caucus and by a most emphatic majority nominated William F. Sheehan as the party's candidate for Senator. Until that time I could not, as chairman of the Democratic National Committee, have made the selection the candidate of the Democratic party and entitled to the support of every Democrat in the state. The situation would be far different if several candidates were contending for the approval of their party legislators, but that time has passed.

"Referring to the influence of Tammany Hall in the nomination of Mr. Sheehan, Chairman Mack says:

"It has been argued that Tammany Hall dominated the Democratic caucus in this case. Was greater New York entitled to the votes it had in that caucus? There is no possible way in any fair procedure by which the influence of Tammany Hall in party affairs to which its numbers entitle it, so that the argument against Tammany Hall's influence is not a valid one. It is not a valid one because it is a sound reason for those who would controvert the principle of procedure on which the Democratic party has based the right of the majority to rule.

"The vote of Tammany Hall nominated John A. Dix for Mayor in the last New York City convention; the vote of Tammany Hall nominated John A. Dix for Governor in the last New York State convention; and so long as population continues to be the basis of representation in conventions and legislatures, New York will have the predominance in the nomination and election of Governors, Senators and United States Senators."

NEW BILLS AT ALBANY

One Provides for Depositors' Guarantee Fund.

[By Telegraph to The Tribune.]
Albany, Jan. 26.—The only real legislative work besides the introduction of bills, done so far was the organization this afternoon of several of the more important committees. The meetings were very short, however, little business being transacted, not even the committee clerks being appointed in most cases. These meetings were followed by a conference in the Speaker's room for several hours of Speaker Frisbie, A. E. Smith, majority leader, and other Democratic leaders of the lower house.

This very private gathering was for the purpose of discussing the distribution of patronage through these committee clerks.

As a result of the recent bank failures Assemblyman Brennan, of New York, to-day introduced a bill providing for the establishment of a depositors' guarantee fund, to be under the supervision of the Superintendent of Banks, and to be used to pay depositors of banks whose doors the Superintendent has closed, when the available fund is insufficient for that purpose.

The fund is to consist of 5 per cent of the average deposits of the various banks and trust companies of the state. Half of this amount is to be invested in United States, city, state or village bonds, or such other bonds as are lawful investments for savings banks. The other half is to be deposited in banks designated by the state controller and the state Treasurer.

Another bill, aimed at the cold storage warehouses, was introduced by Mr. Brennan. It provides that food must be stamped with the date on which they are put in cold storage and can remain there for not more than six months, unless the time is extended by the State Commissioner of Health. In any event they cannot re-

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SUFFRAGISTS AT ALBANY

Hunt a Newly Wed Assemblyman to Introduce Their Bill.

[By Telegraph to The Tribune.]

Albany, Jan. 26.—Woman's suffrage arguments were poured into the ears of Assemblyman Aaron J. Levy, chairman of the Judiciary Committee, this afternoon, as he stood in the center of a group of five women in the rear of the Assembly chamber. The advocates of the suffrage cause were Miss Portia Willis, Miss Inez Millholland, Mrs. Robert W. Elder and Mrs. R. B. Burrows, of New York, and Miss Harriet May Mills, of Syracuse, all members of the New York State Woman Suffrage Association.

Mr. Levy was polite to a fault. He said he would do everything in his power to get their bill out of the committee on to the floor of the House, but he told them in positive terms that he was not for woman suffrage and wouldn't introduce the measure.

"Well, isn't Mr. McElligott in the chamber?" asked Mrs. Elder. "He ought to be a good one to introduce our bill, for I understand he was just married."

After their conference with the Judiciary Committee chairman, the suffragists started on a hunt for the newly wedded McElligott. The last report of the search would indicate that it will have to be continued to-morrow. Chairman Levy suggested that an attempt be made to see Mrs. McElligott and let her do the persuading.

The state association has asked for a hearing on February 22, while Mrs. Mackay wants a hearing on the Franchise League bill on February 8. Chairman Levy was somewhat doubtful whether he would give separate hearings, although he has been warned that something may happen if the woman suffrage organizations are brought together before the committee at the same time.

PARKER MEETS DIX

Sheehan's Partner Attends Reception to Governor at Utica.

Utica, N. Y., Jan. 26.—Following a dinner given at the home of Thomas R. Procter this evening, Governor John A. Dix was the honored guest at a reception tendered at the Fort Schuyler Club for members and a few invited friends from out of town, including Judge Alfred C. Cox, of New York; ex-Judge Alton B. Parker, of Albany; President Charles Alexander Richmond of Union University, of Schenectady; President Elmer P. Ryan of Colgate University, Judge E. S. K. Merrill, of Louisville; Charles Andrews, ex-Chief Justice of the Court of Appeals; George Hyde Clark and Joseph K. Choate, of Cooperstown; Adjutant General William Verbeck and the Rev. Dr. M. W. Stryker, of Hamilton College.

SENATE CONFIRMS FARLEY

Named to Influence Senatorship Vote, Brackett Intimates.

Albany, Jan. 26.—The Senate to-day confirmed the nomination of William W. Farley, of Binghamton, as State Excise Commissioner, after a debate, in which Senator Brackett and Senator Wagner, respective leaders of the minority and majority, chiefly figured. There was no dissenting vote.

"If the members of the other side had the courage of their convictions," Senator Brackett exclaimed, "and would say frankly 'We want all the offices; we on this side of the chamber could only say: Go ahead, and may the Lord prosper you.' It is possible that this man's name was sent in at this time—ten weeks before the expiration of the present incumbent's term of office—in order to influence the voting on United States Senator."

After being confirmed Mr. Farley later took the oath of office, although he is not to assume office until April 1, thus giving the state two commissioners of excise. As Mr. Clement, the present commissioner, holds office until April 1, and as Mr. Farley has not yet secured his formal commission, the former will continue to act as head of the Excise Department until his term of office expires.

IOWA DEADLOCK CONTINUES.

Des Moines, Iowa, Jan. 26.—The joint ballot of the United States Senators by the Iowa Legislature to-day resulted as follows: Young, 35; Funk, 35; Kenyon, 34; Garst, 3; Foster (Dem.), 2; absent, 1. No decision. Lafayette Young, as compared with yesterday, gained four votes, A. B. Funk gained six, W. S. Kenyon nine, Warren Garst one, and Claude Porter (Dem.) gained eight. Twelve votes cast yesterday for H. W. Byers, who has withdrawn, were divided among the other candidates. In addition there were twelve legislators present to-day who were absent yesterday.

SENATOR CLARK RE-ELECTED.

Cheyenne, Wyo., Jan. 26.—The Legislature, voting separately in the two houses, to-day elected United States Senator D. C. Clark to succeed himself. The Assembly will meet in joint session to-morrow to confirm the election.

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